

**Baker & Hostetler LLP**

45 Rockefeller Plaza  
New York, NY 10111  
Telephone: 212.589.4200  
Facsimile: 212.589.4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC  
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively  
Consolidated SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and Bernard L. Madoff,

Plaintiff,

v.

ESTATE OF BERNARD J. KESSEL; THE  
BERNARD KESSEL INC. PENSION PLAN AND  
TRUST; and IRIS STEEL, in her capacity as Trustee  
of the Bernard Kessel Inc. Pension Plan and Trust and  
as Executrix of the Estate of Bernard J. Kessel,

Defendants.

No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-05144 (SMB)

---

**NOTICE OF MEDIATION REFERRAL**

---

On November 10, 2010, this Court entered the Order (1) Establishing Litigation Case Management Procedures for Avoidance Actions and (2) Amending the February 16, 2010, Protective Order (the “Order”)<sup>1</sup> [Adv. Pro. No. 08-01789 (SMB), Dkt. No. 3141]. Pursuant to the Notice of Applicability filed by Plaintiff Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), in this Adversary Proceeding on December 1, 2010 [Dkt. No. 2], the Order and the avoidance procedures contained therein (the “Avoidance Procedures”) are applicable to the instant matter.

Pursuant to the Avoidance Procedures, the Trustee and Defendants may jointly agree to enter mediation prior to or upon completion of discovery without further court order. Avoidance Procedures, ¶ 5A. Through this Notice of Mediation Referral, the Trustee and Defendants (the “Parties”) hereby state that they have completed discovery in the above-referenced adversary proceeding and agree to be referred to mandatory mediation at this time.

Pursuant to the Avoidance Procedures, the Parties agree that within 14 calendar days after the filing of this Notice of Mediation Referral, the Parties shall choose a mediator in accordance with the Mediation Order. If the Parties are unable to agree on a mediator, the Court shall appoint one in accordance with the Mediation Order. Avoidance Procedures, ¶ 5C.

---

<sup>1</sup> All terms not defined herein shall be given the meaning ascribed to them in the Order.

Date: August 17, 2015  
New York, New York

By: /s/ Nicholas J. Cremona  
**BAKER & HOSTETLER LLP**  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: 212.589-4200  
Facsimile: 212.589-4201  
David J. Sheehan  
Email: dsheehan@bakerlaw.com  
Nicholas J. Cremona  
Email: ncremona@bakerlaw.com

811 Main Street, Suite 1100  
Houston, Texas 77002-5018  
Telephone: 713.751.1600  
Facsimile: 713.751.1717  
Dean D. Hunt  
Email: dhunt@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities  
LLC and Bernard L. Madoff*

By: /s/Richard B. Feldman  
**ROSENBERG FELDMAN SMITH LLP**  
551 Fifth Avenue, 24th Floor  
New York, New York 10176  
Telephone: 212.682.3454  
Richard B. Feldman  
Email: rfeldman@rfs-law.com

*Attorneys for the Estate of Bernard J. Kessel,  
the Bernard Kessel Inc. Pension Plan and  
Trust, and Iris Steel*